

JUDGE DAVID GUADERRAMA

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WESTERN DIVISION

2017 JAN 12 PM 1:44

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CIVIL RIGHTS COMPLAINT BY A PRO SE (NON-PRISONER) LITIGANTS
IN ACTIONS UNDER 28 U.S.C. § 1331 or § 1346 OR 42 U.S.C. § 1983

DEPUTY

I. PLAINTIFF(S):

- (1). **Ignacio Mora**
321 Huereque
El Paso, Texas 79927
Plaintiff

EP 17 CV 0011

vs.

CASE NO.

(To be assigned by Clerk)

II. DEFENDANT(S):

- (1). **Oscar Leaser, MAYOR FOR**
THE CITY OF El Paso
300 NORTH CAMPBELL
EL PASO, TEXAS 79901
- (2). **WEST TEXAS H.I.D.T.A./SOURCE CITY METRO NARCOTICS TASK FORCE¹**
C/O Supervising Official
911 NORTH RAYNOR STREET
EL PASO, TEXAS 79903
- (3). **(FNUK)² LOPEZ #1577, DETECTIVE/WTMNTF AGENT, INDIVIDUALLY**
AND IN HIS OFFICIAL CAPACITY AS AN AGENT
EMPLOYED BY THE CITY OF EL PASO, TEXAS
911 NORTH RAYNOR STREET
EL PASO, TEXAS 79903
- (4). **S. Vargas #1020, EPPD Officer, INDIVIDUALLY AND IN HIS OFFICIAL**
CAPACITY AS AN AGENT EMPLOYED BY THE CITY OF EL PASO, TEXAS

¹ Hereafter the Plaintiff will be referencing this Defendant as "WTMNTF" and its agents in the same manner but such will be followed by those respective agents' last name.

² The first name(s) of some of the WTMNTF Agents are currently unknown by the Plaintiff and will therefore the Plaintiff will referenced those Defendants as "FNUK" immediately followed by that Defendant's last name.

911 NORTH RAYNOR STREET
EL PASO, TEXAS 79903

- (5). Sgt. Salinas #352, Socorro Police Department, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS AN AGENT ACTING UNDER THE COLOR OF LAW ON BEHALF OF THE SOCORRO POLICE DEPARTMENT, EL PASO, TEXAS 670 Poona, Texas 79927
- (6). Juan. C. Gardea #1911, Ep Paso Police Department, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY ACTING UNDER THE COLOR OF LAW AS AN AGENT OF THE CITY OF EL PASO, TEXAS
911 North Raynor Street
El Paso, Texas 79903
- (7). Chief Horactor Maldonado, Socorro Police Department
670 Poona, Texas 79927

III. STATEMENT OF FACTS:

On January 15, 2015, various members of the West Texas H.I.D.T.A./Source City Narcotics Task Force ("WTMNTF") were allegedly conducting an on-going narcotics investigation in the area of Rio Vista and Alameda. During those law enforcements' surveillance a 1999 Ford Taurus-bearing Texas Plates # BP1H651 in which Plaintiff was a passenger-drove through the area under surveillance by Defendant WTMNTF Agents³.

Upon observing Plaintiff's vehicle driving through the surveilled area, Defendant WTMNTF Agent Juan Gardea and other Defendant WTMNTF Agents decided to make the vehicle in which Plaintiff was a passenger the target of the WTMNTF's narcotics investigation irrespective of the fact that neither the Plaintiff nor the vehicle in which he was a passenger had not violated any city, state or federal laws in their presence.

Nevertheless, Defendant Gardea and the other WTMNTF defendant agents elected to abandon the Rio Vista and Alameda area and make Plaintiff's vehicle the target of their narcotics investigation. Defendant Gardea summoned a marked unit-No. 104-operated by Defendant Sgt. Salinas to perform a traffic-stop of Plaintiff's vehicle under the unsubstantiated guise that said vehicle had committed the traffic violation of "failure to signal a lane change⁴.

³ It has never been made clear by these particular Defendants how Plaintiff and the vehicle, in which he was a passenger, reasonably became participants in the alleged narcotics investigation.

⁴ Plaintiff notes here that there is absolutely nothing in the records of the criminal case against him or his female friend that would even remotely support Defendant Gardea's self-serving probable cause for the otherwise illegal traffic-stop. There is no evidence of an issuance of a verbal or written warning nor citation for such an infraction issued by Sgt. Salinas.

There is absolutely no independent evidence which tends to establish that Plaintiff or the vehicle in which he was a passenger visited a residence within the Defendants' narcotics investigation/surveillance area nor is there any evidence (other than the fact that the vehicle in which Plaintiff was a passenger drove through) that Plaintiff's vehicle participated in any illegal activity.

However, Defendants Gardea, Salinas and Vargas have all elected to ignore the fact that neither the Plaintiff nor his female friend ever gave consent to search their vehicle and have all chosen to falsely state to the contrary.

Although these Defendants knew beyond any reasonable doubt that their January 15, 2015 actions and conduct with respect to their initial pursuit, stop and prolonged detention of the Plaintiff and the vehicle in which he was a passenger was completely without a reasonable suspicion or probable cause their knowing and intentional fabrication of evidence to the contrary depicts evidence of their willingness to conspire to violate and deprive Plaintiff of his civil and constitutional rights and privileges.

This pro se civil complaint is therefore being filed as a direct result of the WTMNTF Agents' gross negligence and deliberate indifference for Plaintiff Mora's civil and constitutional rights and privileges, as well as the City of El Paso and Socorro's gross negligence and complete failure to adhere to its own governing legal authority and responsibility to ensure that its law enforcement personnel/officers/agents reasonably, adequately and strictly adhere to the governing legal authorities of the Constitution of Texas, the laws thereof and, the United States Constitution as well as the laws of the United States in general. Also, to strictly require that its employees' proper and mandated adherence to and exercise of a reasonable enforcement of their lawful duties when performing the same while acting as agents of the City of El Paso and Socorro, El Paso County, Texas.

Thus, where the Defendants West Texas H.I.D.T.A./Source City Metro Narcotics Task Force and its Agents/Detectives' were clearly acting under the color of law and as agents of the City of El Paso/Socorro on January 15th of the year 2015 when the same knowingly, intentionally and with a blatant disregard for the truth, conspired to violate the constitutional rights and privileges of Plaintiff Mora by unreasonably detaining him, searching the vehicle in which he was a passenger and thereafter falsely arresting him all under the knowingly false pretense that Plaintiff Mora had somehow violated some unknown law, these Defendants, with a reckless disregard for the truth, violated the civil and constitutional rights of the Plaintiff. These named Defendants specifically caused the Defendant City of El Paso and its Mayor (Oscar Leeser) and Socorro Chief of Police to become liable for all the damages created by their own agents' unconstitutional and clearly illegal conduct and actions which were clearly deliberate, intentional and made under knowingly and manufactured false pretences.

Furthermore, by the Defendant WANTF Agents' knowing creation of, and jointly agreeing to, manufacture their reasonable suspicion/probable cause statement in order that they

may justify their unreasonable detention and search of Plaintiff's vehicle in order illegally manipulate the fundamental purpose and principles of the judicial process in order to deprive Plaintiff Mora of his liberty; these particularly named Defendants, including but not limited to Defendant West Texas H.I.D.T.A./Source City Metro Narcotics Task Force, directly caused the Defendant City Of El Paso/Socorro (acting under the direct authority of Mayor Leeser and Chief Maldonado of Socorro's Police Department) to be liable for the egregious and complete deprivation of Plaintiff Mora's civil and constitutional rights, as well as their complete and deliberate indifference towards such rights.

This is so because, when these Defendant Agents for the City of El Paso, while clearly acting under the color of law, knowingly, willfully and with a complete disregard for the truth submitted their intentionally manufactured and knowingly false reasonable suspension and/or probable cause statement in their official reports-which included their false statement that consent to search was freely given-and with the same, intentionally and with a deliberate indifference for the truth, set out to unconstitutionally and/or unlawfully sway and improperly influence a judicial process. And thereafter, the Defendant WTMNTF Agents went on to unreasonably detain and unlawfully search Plaintiff's vehicle, strip him of his liberty, and illegally arrest Plaintiff Mora through their (Defendants WTMNTF Agents') gross invasion and complete deprivation of Plaintiff Mora's civil and constitutional rights to privacy and to be secure in his person and possessions from an otherwise unwarranted and unreasonable governmental intrusion.

Clearly, by knowingly and intentionally proceeding under the guise and manufactured reasonable suspicion and/or probable cause that Plaintiff had committed some unknown and falsely stated infraction, these specifically named Defendants WTMNTF Agents either knew or reasonably should have known that their actions and conduct-both jointly and independent-were completely offensive to the Fourth, Eighth and Fourteenth Amendments to the United States Constitution, as well as to the laws of the State of Texas Constitution, and that the same would also completely deprive the Plaintiff of his most basic and fundamental rights to due process of the law.

IV. STATEMENT OF CLAIMS:

Plaintiff Mora claims that the City of El Paso and particularly its acting Mayor Oscar Leeser⁵ and its' City Counsel are all directly responsible for the blatant and extreme gross

⁵ It's Plaintiff's claim that the Honorable Oscar Leeser, as the City of El Paso Mayor and the City of El Paso are directly responsible for the unconstitutional infractions and illegal actions and conduct of the West Texas H.I.D.T.A./Source City Metro Narcotics Task Force and its agents and investigating officers, because the City of El Paso-which is governed through its mayor's office and City Counsel-has a legal and mandated duty to ensure that such departments and agents are properly and adequately trained regarding the laws that govern those agents' and departments' lawful and constitutional authority when detaining individuals and depriving El Paso Citizens of their liberty.

illegal and unconstitutional conduct of its agents/law enforcement personnel that deprived Plaintiff of his substantial and procedural constitutional rights.

It is further Plaintiff's claim that, because each of the Defendant(s) West Texas H.I.D.T.A./Source City Metro Narcotics Task Force and its Agents operates and are empowered to act under the color of law as agents for the City of El Paso by the City Counsel and the Mayor's office both, Mayor Oscar Leseer and the City of El Paso are directly responsible for not only the agents' deliberate indifference for and a complete and deliberate deprivation of Plaintiff's civil and constitutional rights, as well as a deliberate indifference for the laws of the State of Texas and those of the United States, but also for their agents' knowing and intentionally egregious and extremely gross misconduct when those particular law enforcement agents (all acting under the color of law and the direct authority of the City of El Paso, its City Counsel and its Mayor) without due regard for the law or the guaranteed and protected constitutional rights of the City of El Paso Citizens- in the instant case, the Plaintiff-knowingly and intentionally conspired to violate the civil and constitutional rights of the Plaintiff.

Those City of El Paso agents' intentional and unlawful actions immediately caused Plaintiff to suffer an unreasonable and complete deprivation of civil and constitutional rights to due process, equal treatment under the law and complete denial of the guaranteed constitutional protections against unwarranted governmental intrusions. This, the Plaintiffs avers, violated the very core nature and purpose behind the Framers drafting of the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, as well as those rights protected and guaranteed by the Constitution of Texas.

Plaintiffs also claims that, because Defendant Gardea, Salinas, Vargas and Lopez all knew well in advance that their detention and arrest of the Plaintiff was clearly not premised on a reasonable suspicion nor probable cause to believe that illegal drugs were possessed or being transported in the vehicle in which Plaintiff Mora was a passenger. Nor that any illegal activity-involving Plaintiff or the vehicle's driver-had actually transpired prior to their initial pursuit of the vehicle and detention of the same. Thus, each of these named Defendants-all acting under the color of law and in their own official capacity-are directly responsible for conspiring to knowingly, intentionally and without due regards for the truth of the matter willfully sought to deprive the Plaintiff of his substantial and procedural civil and/or constitutional rights.

V. RELIEF REQUESTED:

Plaintiff seeks from this Court an order finding that each of the above named Defendants are liable for monetary damages to be directly paid to the Plaintiff for those Defendants' role in demonstrating a deliberate indifference for the constitutional rights of the Plaintiff against the complete and conspiratorial deprivation of Plaintiff's substantial and procedural due process as well as those Defendants' unreasonable and unwarranted intrusion of Plaintiff's privacy and liberty all under the color of law and in direct violation

of the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and the Texas Constitution in the consolidated amount of Three Million and Eight Hundred Thousand (\$3,800,000.00) Dollars.

Plaintiff Mora further seeks an additional order from the Court finding the he (Plaintiff) is due to be compensated by Defendant(s) Salinas, Lopez, Gardea and Vargas the total amount of Eighth Hundred Thousand (\$800,000.00) Dollars in punitive damages for his pain and anguish suffered as a direct result of those specific Defendants' knowing, willful and intentional-with a complete and blatant disregard for the truth-conspiring to unlawfully and unconstitutionally deprive Plaintiff Mora of his guaranteed protected rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution and the Constitution of Texas.

I (WE) DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

1/12/17
(Date)

Ignacio Mora
Ignacio Mora/pro se
(Signature of Plaintiff)

321 HUEREQUE
EL PASO TEXAS 79927
(915) 315-8285